

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

THE COUNTY COMMISSION OF  
FAYETTE COUNTY, WEST VIRGINIA, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:21-cv-00307

NATIONAL GRID NE HOLDINGS 2 LLC, et al.,

Defendants.

**ORDER**

On December 1, 2021, the Court held a status conference in this action. For the reasons more fully stated on the record, Defendant National Grid NE Holdings 2 LLC's ("National Grid") Motion to Dismiss Continental Insurance Company's Second Cross-Claim, (ECF No. 38), is **DENIED AS MOOT**. Further, for the reasons more fully stated on the record, Plaintiff The County Commission of Fayette County, West Virginia's ("Governmental Plaintiff") Motion for Leave to File a Surreply to the to the New Issues Raised in the Joint Reply of Defendants Quercus West Virginia, LLC and Pardee And Curtin Realty, LLC to the Governmental Plaintiff's Memorandum in Opposition to Their Joint Motion to Dismiss, (ECF No. 89), is **GRANTED**; National Grid's Motion for Leave to File a Response to the Surreply filed by Continental Insurance Company's Sur-Reply Regarding Certain Pending Motions and New Authority, (ECF No. 132), is **GRANTED**; Defendant Continental Casualty Company's<sup>1</sup> Motion for Leave to File a Sur-Reply to National Grid's New Arguments Made for the First Time in its Reply in Support of its Motion

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<sup>1</sup> Continental Casualty Company is incorrectly named as Continental Insurance Company. (See ECF No. 103 at 1.)

to Strike Continental's Third-Party Complaint, (ECF No. 136), is **GRANTED**; Governmental Plaintiff's Motion for Leave to File Surreply With Supplemental Authority in Support of its Opposition to Defendant National Grid NE Holdings 2 LLC's Motion to Substitute Itself as Defendant In Lieu of Defendants Hanover Insurance Co. and Travelers Casualty & Surety Co., (ECF No. 218) is **GRANTED**; and Governmental Plaintiff's Motion for Leave to File its Supplemental Statement in Further Support of its Joinder in Defendant National Grid's Amended Motion to Strike Continental Casualty Co.'s 3rd Party Complaint Herein to Address Governmental Issues, Interests and Policy Raised by the CNA Entities, (ECF No. 239), is **GRANTED**. Finally, and for the reasons more fully stated on the record, Continental's Motion to Extend Period to Effectuate Service, (ECF No. 217), is **GRANTED**. Continental shall effectuate service on the remaining Third-Party Defendants named in its action no later than **December 22, 2021**.

A settlement conference, attended by all parties and by lead trial counsel for each represented party, shall be held in the above-styled cases on **February 28, 2022, and March 1, 2022**, beginning at **9:30 a.m.** Individuals with full authority to settle the case for each party shall be present **in person**.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 1, 2021

  
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THOMAS E. JOHNSTON, CHIEF JUDGE